*HON'BLE SRI JUSTICE L.NARASIMHA REDDY

+ WRIT PETITION Nos.23711, 23786, 23820, 23828 &

24329 OF 2005

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% 16th November, 2005

P.Raghu Vamshi

& others

…Petitioners

And

$ Vice-Chancellor, JNTU,

R.R. District & others

…Respondents

! Counsel for the petitioners: Mr.B.Venkata Rama Rao,
Mr.U.Suman,

Mr.V.R.Redy, Kovvuri,

Mr.P.Ravi Sankar,

Mr.G.Umapathi Sastry

^ Counsel for respondents : Mr.K.Rathangapani Reddy

< Gist:

> Head Note:

? Cases referred:

2002(3) ALD 667 (DB)

2005(1) ALD 253 (DB)

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos.23711 OF 2005

Dated 16-11-2005

Between:

P.Raghu Vamshi

…petitioner

and

Vice-Chancellor, JNTU,

R.R. District and another.

…Respondents

W.P.No.23786/2005

Between:

P.V.Krishna Praneeth

…petitioner

and

The Registrar, JNTU,

R.R. District and another.

…Respondents

W.P.No.23820/2005

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Between:

Mahadi Raja and another

…petitioner

and

The Principal, Sri Chaitanya Engineering College,

Visakhapatnam and another.

…Respondents

W.P.No.23828/2005

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Between:

Ch.Kranthi

…petitioner

and

The Registar, JNTU,

and another.

…Respondents

W.P.No.24329/2005

–

Between:

K.Rajani

…petitioner

and

The Principal,

PVP Siddhardha Institute of TEchnology,

Vijayawada and another.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos.23711, 23786, 23820, 23828 &

24329 OF 2005

COMMON ORDER:

The petitioners in this batch of writ petitions are students of Engineering courses, studying in various colleges. The colleges, in which the petitioners are studying, are affiliated to Jawaharlal Nehru Technological University (JNTU).

The petitioners were not permitted to appear in the
First semester examination of the corresponding year, in which they are studying, on the ground that there is shortage of attendance. While in some cases, it is alleged that attendance was not properly marked, or that the classes have not been conducted regularly, in certain other cases, the reasons that contributed for the shortage in the attendance, have been pleaded. The petitioner in W.P.No.23711 of 2005 states that he has been securing very high marks all through, and that the shortage of attendance in the First semester of IV-year is, on account of acute illness.

Learned counsel for the respective petitioners, submit that the shortage of attendance for the respective petitioner is very negligible, and that the same was caused due to reasons beyond the control of the petitioners. They contend that the rules of promotion, from one year to another, are substantially different, from those relating to promotion, from one semester to another. According to them, when a candidate, who appears in the semester examination, can be promoted to the next semester in an year, even if he fails in all the subjects, it results in an unreasonable situation and great hardship, if the candidates are detained on the ground of

shortage of attendance.

Learned Standing Counsel for the University, on the other hand, submits that the minimum required attendance is 75%, and in deserving cases, the Vice-Chancellor is conferred with the power to condone the shortage up to 10%. By placing reliance upon the judgment rendered by a Division Bench of this Court, he contends that even if the shortage is by 1%, the candidate cannot be permitted to appear in the examination.

It is not necessary to deal with the individual facts of each case. The common question that arises for consideration in this batch of writ petitions is, as to whether the petitioners are entitled to be granted any exemption or permission in the matter of appearing in the semester examinations, or promotion to the next semester.

The University framed a set of regulations, which governs the course. Regulation-6 deals with the requirement of attendance. 75% is prescribed as minimum, and the Vice-Chancellor is conferred with the power to condone shortage, up to 10%, in deserving cases. Regulation 6(3) is to the effect that a student will not be promoted to the next semester, unless he satisfies the requirement of attendance. Regulation 6(5) is to the effect that a student, whose shortage of attendance is not condoned, shall not be eligible to take the examination, and that he must seek readmission.

I n ***K.PRADEEP v. JAWAHARLAL NEHRU TECHNOLOGICAL UNIVERSITY, HYDERABAD***, a Division Bench of this Court held that the court cannot issue a writ of mandamus for condonation of shortage of attendance, even to the extent of 1%. Almost to the same effect is the judgment of this Court in ***M.S.CHAKRAVARTHY V. PRINCIPAL, SREEKALAHASTEESWARA INSTITUTE OF TECHNOLOGY***. In view of the same, this Court cannot direct the respondents, to condone the shortage of attendance of the petitioners, if it is less than 65%.

There is one area, to which the attention of the University can be drawn. If the

promotion from one year to another, or from one semester to another, is dependant upon the successful completion of certain number of subjects, the question of promoting a student to the next semester or year, without such compliance, does not arise. The regulations permit promotion of student at certain stages, without insisting on clearance of the subjects, or acquiring credits, as the case may be. For example, a student of First Semester of IV-year is entitled to be promoted to the Second Semester, even if he does not clear any subject in the First Semester of that year. He can repeat all the subjects, either before or along with the Second Semester of IV-year. Such situations exist at some other stages of the course also.

The shortage of attendance, beyond a point, cannot be excused at all. Where, however, the shortage was not substantial and was occasioned, on account of the reasons beyond the control of the candidate; and it is in relation to a semester, from which the promotion is not dependant upon passing any required number of subjects, the University can consider the feasibility of allowing such candidates, in deserving cases, to be promoted to the next semester. For this purpose, conditions can be imposed, such as, by levying additional fee and by prescribing the higher limits of attendance in the subsequent semesters, may be 80% to 85%. Loss of one year in the career of a student, for the reasons beyond his control, would have its own impact on his psychological, economical and social aspects. If the exercise indicated above can be undertaken, without compromising with the standards of the course, it would result, if at all anything, only in attending to the genuine grievance of the candidates, and encouraging them to be more regular and studious. Such a step would go a long way in these days of stiff competition, without, at the same time compromising with the standard of the course.

For the foregoing reasons, the writ petition is disposed of, directing that in cases where the attendance of the candidates is more than 50%, and the promotion from the concerned semester to another, is not dependant upon passing of any

subjects, or securing credits, the Vice-Chancellor of JNTU, or any officer or committee, authorized by him, in this regard, shall consider the feasibility of examining the cases, with reference to the factors that led to the shortage of attendance, and pass appropriate orders, to enable the students, in genuine cases, to be promoted to the next semester, duly stipulating any requisite conditions.

There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

Dt.16th November 2005.

Note:

Issue c.c.in two days.

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